1    ST:  Compulsory Reference/Annulment/Divorce Action.

2                                A BILL TO BE ENTITLED

3    AN ACT AMENDING RULE 53 OF THE RULES OF CIVIL PROCEDURE TO PROVIDE

4           THAT A COURT MAY ORDER AN ISSUE TO BE REFERRED TO A REFEREE IN

5           AN ACTION FOR ANNULMENT, DIVORCE, OR ALIMONY WITHOUT DIVORCE

6           IN THE SAME CASES AUTHORIZED FOR ANY OTHER CIVIL ACTION.

7    The General Assembly of North Carolina enacts:

8           **SECTION 1.**  G.S. 1A-1, Rule 53(a) reads as rewritten:

9    **"Rule 53.  Referees.**

10         (a)       **Kinds of reference. –**

11                   (1)       **By Consent.** – Any or all of the issues in an action may be referred upon

12                             the written consent of the parties except in actions to annul a marriage,

13                             actions for divorce, actions for divorce from bed and board, actions for

14                             alimony without the divorce or actions in which a ground of annulment or

15                             divorce is in issue.

16                   (2)       **Compulsory.** – ~~Where the parties do not consent to a reference,~~ In any

17                             action, the court may, upon the application of any party or on its own

18                             motion, order a reference in the following cases:

19                             a.        Where the trial of an issue requires the examination of a long or

20                                       complicated ~~account;~~ account, in which case the referee may be

21                                       directed to hear and decide the whole ~~issue,~~ issue or to report upon

22                                       any specific question of fact ~~involved therein.~~ involved.

1              b.      Where the taking of an account is necessary for the information of

2                        the court before ~~judgment,~~ <u>judgment</u> or for carrying a judgment or

3                        order into effect.

4              c.      Where the case involves a complicated question of ~~boundary,~~

5                        <u>boundary</u> or requires a personal view of the premises.

6              d.      Where a question of fact arises outside the pleadings, upon motion

7                        or otherwise, at any stage of the action."

8      **SECTION 2.**  This act becomes effective January 1, 2018, and applies to actions

9  commenced on or after that date.